

**REMARKS**

The Examiner has rejected claims 1 through 18 under 35 U.S.C. 103(a) in the currently pending Office Action dated September 6, 2008 for the above referenced US application. In view of the following remarks, the Applicant respectfully requests the Examiner to reconsider the pending rejections.

The Section 103 Rejections

The Examiner has rejected claims 1 through 4, 7, and 18 under 35 U.S.C. 103(a) as allegedly being unpatentable over Takeshi JP 07-063165 in view of Parrott 4,846,631. In addition, the Examiner has rejected claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Takeshi JP 07-063165 in view of Parrott 4,846,631, and in further view of Fukanuma 6,558,133. Furthermore, the Examiner has rejected claims 8, 10 and 13 under 35 U.S.C. 103(a) as being unpatentable over Takeshi JP 07-063165 in view of Parrott 4,846,631, and in further view of Oshima 3,888,604. The Examiner has rejected claims 9 and 14 under 35 U.S.C. 103(a) as being unpatentable over Takeshi JP 07-063165 in view of Parrott 4,846,631, and in further view of Oshima 3,888,604 and still further in view of Kato, 4,127,363. Lastly, the Examiner has rejected claims 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over Takeshi JP 07-063165 in view of Parrott 4,846,631, and in further view of Oshima 3,888,604 and still further in view of Ikeda 5,181,834.

In view of the above rejections, respectfully disagreeing with the Examiner's characterization of the disclosures in the cited references, the applicant has not amended any claims. The Examiner has responded in Paragraphs 10 and 11 on page 12 of the Office Action to the previous arguments. With respect to the "suction chamber," the Examiner has asserted that Takeshi discloses the suction chamber 16 at the rear housing. Furthermore, with respect to the "partition wall," the Examiner has reasoned that Parrott discloses the partition wall 43, which protrudes from the inner chamber into a delivery chamber in combination

with Takeshi's disclosure on the suction chamber. Thus, the Examiner has concluded that the combined disclosure reads on both of the above claimed subject matter.

Accordingly, with respect to the "partition wall," the applicant has now clarified certain distinctions without any claim amendment to overcome the pending prior art rejections. The Examiner has asserted in his response to Applicant's previous argument on page 13 that it is a matter of an obvious design choice to form the partition wall closer to the suction chamber than a front end of the second communication passage. In this regard, the Examiner has questioned in the same paragraph on page 13 whether or not the above design has a particular purpose or solves a stated problem.

If a first passage to a first cylinder bore (front cylinder bore) is longer than a second passage to a second cylinder bore (rear cylinder bore), insufficient amount of refrigerant gas may be introduced into the first cylinder bore. However, in the present invention, the partition wall divides the inner chamber of the rotary shaft into the first passage and the second passage so as to respectively connect the first and second cylinder bores, while the rear end portion of the partition wall is closer to the suction chamber. Such a structure prevents the problem that an insufficient amount of refrigerant gas is introduced into the first cylinder bore, thereby the decrease in volumetric efficiency and the rise in temperature of the refrigerant gas is also prevented. (described in the specification from line 21 of page 19 to line 4 of page 22.)

Takeshi does not have a rotary shaft having two passages therein. Parrott only discloses that two concentric tubes 42, 43 connected to two different spaces or supply sources (two pumps which are not shown and respectively connected to the supply conduits 45, 46) are respectively connected to a single delivery port 41, in order to supply water at two different pressures. On the other hand, the subject matter of claim 1 of the present invention is that refrigerant gas in a single space or a single supply source (suction chamber) is divided equally into two different spaces (the first and second cylinder bores). Such subject matter is not suggested in Parrott, and in fact far from that of Parrott.

In addition, with respect to the “suction chamber,” the applicant has now clarified the structural distinctions without any claim amendment to overcome the pending prior art rejections. Independent claim 1 explicitly recites “a partition wall located in the inner chamber along the rotational axis of the rotary shaft for dividing the inner chamber into a first passage and a second passage, the first passage interconnecting the suction chamber and the first suction communication passage, the second passage interconnecting the suction chamber and the second suction communication passage . . . .”

As the Examiner has already conceded in Paragraph 3 on page 3 of the pending Office Action, the Takeshi prior art reference fails to teach or disclose certain features including a rotary shaft with an inner chamber and a partition wall located in the inner chamber. For the lack of the disclosure in the above cited prior art reference, the Examiner has cited the Parrot reference, which has been already cited in a previous Office Actions. The Parrot reference generally relates to a “rotary mineral cutting head.” As the Examiner contends, Figure 1 of the Parrot reference appears to disclose the two concentric tubes 42 and 43 within the drive shaft 9, and Figure 1 of the Takeshi reference discloses a suction chamber. On the other hand, with respect to Figure 1, the Parrot reference discloses at lines 25 through 27, column 6 that the two concentric tubes 42 and 43 respectively receive an input through the supply conduits 45 and 46, which are located at the opposite ends of the tubes 42 and 43.

In view of the above disclosure, even if the two cited references are combined as the Examiner has alleged, the combined disclosure still fails to disclose, teach or suggest “the first passage interconnect[s] the suction chamber and the first suction communication passage, [while] the second passage interconnect[s] the suction chamber and the second suction communication passage” as explicitly recited in independent claim 1. In other words, the combined disclosure at best discloses or suggests only either of “the first passage” or “the second passage” interconnects the suction chamber due to the diametrically opposite locations of the supply conduits 45 and 46. Since the above distinguished patentable features are clearly structural rather than functional, these patentable features should overcome the prior art disclosures.

Other cited references including Fukanuma, Oshima, Kato and Ikeda also fail to teach the above described patentable features of the independent claim. In fact, the Examiner has cited these secondary and tertiary prior art references to allegedly disclose, teach or suggest the additional limitations of dependent claims. For this reason, the detailed description of these references is not provided in the current response.

Based upon the above reasons, the combined disclosures even in view of the secondary or tertiary references still fail to teach, disclose or suggest the patentable features of the independent claim. Therefore, it would not have been obvious to one of ordinary skill to provide the patentable features of the current invention as explicitly recited in newly amended independent claim 1.

Dependent claims 2 through 18 ultimately depend from newly amended independent claim 1 and incorporate the patentable features of the current invention. Therefore, the applicant respectfully submits to the Examiner to withdraw the rejections of claims 1 through 18 under the section 103.

#### Newly Added Claims

Newly added independent claim 25 explicitly recites the subject matter limitations without introducing new matter. Newly added features of independent claim 25 are recited that "a cross sectional area of the first passage is larger than a cross sectional area of the second passage," which have been disclosed in the original application with respect to Figure 5 and at lines 9 through 16 on page 15.

Newly added dependent claim 24 depends from independent claim 1.

The applicant respectfully requests the Examiner to enter these new claims.

**Conclusion**

In view of the above amendments and the foregoing remarks, Applicant respectfully submits that all of the pending claims are in condition for allowance and respectfully request a favorable Office Action so indicating.

Respectfully submitted,

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